IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:13/10/2004

CORAM

THE HONOURABLE MR.JUSTICE A.K.RAJAN

Writ Petition No.10662 of 1997

1.Danaraj
2.Peaulah Danaraj Petitioners

-Vs-

1. The State of Tamil Nadu
rep. by its Secretary to Government
Industries Department
(Electronics, Science and
Technology Depatment)
Fort St. George, Madras 9

2.The Land Acquisition Officer
and Asst. Collector
Hosur, Dharmapuri District Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, to call for the records pertaining to the Land Acquisition proceedings issued u/s 4(1) in G.O. Ms.No.130/Electronics, Science and Technology dated 02.11.1988 published the same in the Gazette on 23.11.1988 and Section 6 declaration issued in G.O.Ms.No.941/Industry dated 18.12.1989 published the same in the Gazette on 19.12.1989 and quash the said proceedings in so far as the petitioners lands in S.No.673 of an extent of 3785 sq.ft. of Hosur Village, Hosur Taluk, Dharmapuri District.

For Petitioners : Mr.P.Jagadeesan

For Respondent : Mr.R.Lakshmi Narayanan
Government Advocate
:ORDER

This writ petition has been filed for the issuance of a writ of Certiorari, to call for the records pertaining to the Land Acquisition proceedings issued u/s 4(1) in G.O.Ms.No.130/Electronics, Science and Technology dated 02.11.1988 published the same in the Gazette on 23.11 .1988 and Section 6 declaration issued in G.O.Ms.No.941/Industry dated 18.12.1989 published the same in the Gazette on 19.12.1989 and quash the said proceedings in so far as the petitioners lands in S.No.673 of an extent of 3785 sq. ft. of Hosur Village, Hosur Taluk, Dharmapuri District.

2. The petitioner has challenged the land acquisition proceedings. The land has been acquired following the procedures specified under the Act. The only ground on which the writ petition is challenged, is the land acquired is the only land available for the petitioner in which he puts up construction and the petitioner is deprived of his shelter. This argument is not acceptable and for this reason the acquisition proceedings cannot be quashed.

3. From the counter affidavit, it is seen that the land is acquired for expansion of electronic exchange which is for the public purpose. Though earlier the property was acquired for Housing purpose, subsequently the object has been changed and the construction of houses were dropped and it is to be given to the electronic exchange for the expansion. Since the expansion of electronic exchange is for the public purpose, it will outweigh the interest of the individual whether there is conflict between public right and individual right, the public right will prevail over the individual right. In such circumstances, the hardship expressed by the petitioner can be compensated only by way of compensation for the loss sustained by him. Apart from that, no other relief can be granted. In this circumstances, the prayer in the writ petition cannot be allowed and the acquisition proceedings cannot be quashed.

4. It is open to the petitioner to approach the authorities for any other relief, and it is for the authorities to pass appropriate orders in accordance with law and on merits.

5. In the result, the writ petition is dismissed. No costs.

Index:NO

Internet:yes
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ksr

To
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